

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

OMAR MARTIN,

Plaintiff,

v.

KNIGHT, *et al.*,

Defendants.

Case No. 1:22-cv-01582-BAM (PC)

ORDER GRANTING DEFENDANT’S  
MOTION TO OPT OUT OF POST-  
SCREENING ADR PROJECT  
(ECF No. 31)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING NOVEMBER 8, 2023  
SETTLEMENT CONFERENCE  
(ECF No. 26)

ORDER DIRECTING CLERK OF COURT TO  
ISSUE DISCOVERY AND SCHEDULING  
ORDER AND CONSENT/DECLINE FORM

Plaintiff Omar Martin (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Knight for deliberate indifference to medical need in violation of the Eighth Amendment for the incident on April 10, 2020.

On September 11, 2023, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 26.) The Court’s order granted Defendant time to investigate and determine whether to opt out of the post-screening ADR project.

1 On October 6, 2023, Defendant filed a notice of opt out of post-screening alternative  
2 dispute resolution project and administrative motion to vacate proposed settlement conference.  
3 (ECF No. 31.) After preliminary investigation, consultation with her supervisor, discussions with  
4 her client, and telephonically meeting and conferring with Plaintiff, defense counsel believes  
5 participating in a court-sponsored early settlement conference would be an inefficient use of the  
6 Court's resources at this time. (*Id.*) Therefore, the stay is lifted, and the November 8, 2023,  
7 settlement conference is vacated. This case is now ready to proceed.

8 If the parties wish to set a settlement conference with the Court at a later date, they should  
9 so inform the Court. However, the parties are also reminded that they are not precluded from  
10 negotiating a settlement without judicial assistance.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The stay of this action, (ECF No. 26), is LIFTED;
- 13 2. The November 8, 2023 settlement conference is VACATED;
- 14 3. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order  
15 and a consent/decline form to the parties; and
- 16 4. The parties may proceed with discovery pursuant to the discovery and scheduling  
17 order to be issued by separate order.

18  
19 IT IS SO ORDERED.

20 Dated: October 10, 2023

21 /s/ Barbara A. McAuliffe  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28